

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

NORMAN MALONE,

Petitioner,

v.

CORRECTIONS CORPORATION OF AMERICA,

Respondent.

ORDER

07-C-377-C

Judgment was entered on September 11, 2007, dismissing petitioner Norman Malone's case against respondent Corrections Corporation of America. Now petitioner has filed a notice of appeal. Because the notice is not accompanied by the \$455 fee for filing his appeal, I construe petitioner's notice to include a request for leave to proceed on appeal in forma pauperis.

Petitioner's request for leave to proceed in forma pauperis on appeal is governed by the 1996 Prison Litigation Reform Act. This means that this court must determine first whether petitioner's request must be denied either because he has three strikes against him under 28 U.S.C. § 1915(g) or because the appeal is not taken in good faith. Petitioner does not have three strikes against him, and I do not intend to certify that his appeal is not taken

in good faith.

The only other hurdle to petitioner's proceeding with his appeal in forma pauperis is the requirement that he pay an initial partial payment of the filing fee that has been calculated from a certified copy of his trust fund account statement for the six-month period immediately preceding the filing of his notice of appeal. 28 U.S.C. § 1915(a)(2). Petitioner has not submitted the necessary trust fund account statement. Until he does so, I cannot determine whether he is indigent and, if he is, the amount of his initial partial payment.

Accordingly, IT IS ORDERED that petitioner may have until November 23, 2007, in which to submit a certified copy of his trust fund account statement for the six-month period beginning approximately May 1, 2007 to approximately November 1, 2007. If, by November 23, 2007, petitioner fails to submit the required trust account statement or show cause for his failure to do so, then I will deny his request for leave to proceed in forma pauperis on the ground that he has failed to show that he is entitled to indigent status on appeal.

Entered this 2d day of November, 2007.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge